

AMENDED IN SENATE JANUARY 6, 2014

AMENDED IN SENATE APRIL 2, 2013

SENATE BILL

No. 498

Introduced by Senator Lara

February 21, 2013

~~An act to amend Section 25251 of the Health and Safety Code, relating to hazardous materials. An act to amend Section 40106 of the Public Resources Code, relating to solid waste.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 498, as amended, Lara. ~~Hazardous materials: green chemistry.~~
Solid waste: biomass conversion.

The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan. With certain exceptions, the source reduction and recycling element of that plan is required to divert 50% of all solid waste, through source reduction, recycling, and composting activities. Existing law allows the 50% diversion requirement to include not more than 10% through transformation or "biomass conversion," as defined, if specified conditions are met. The act defines various terms, including "biomass conversion," for the purposes of the act.

This bill would revise the definition of the term "biomass conversion" to include, in addition to controlled combustion, any other conversion technology, as defined.

~~Existing law, part of the hazardous waste control laws, requires the Department of Toxic Substances Control to adopt, by January 1, 2011, regulations to establish a process by which chemicals of concern in~~

consumer products, and their potential alternatives, are evaluated to determine how best to limit exposure or to reduce the level of hazard posed by a chemical of concern. The regulations are required to specify actions that the department may take following the completion of the analysis. Existing law defines the term “consumer product” for purposes of those requirements and excludes from that definition certain devices, materials, food, packaging, and pesticides.

This bill would additionally exclude from the definition of consumer products a motor vehicle with a gross vehicle weight rating of less than 14,000 pounds, and that motor vehicle’s component or replacement parts.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 40106 of the Public Resources Code is
2 amended to read:
3 40106. (a) “Biomass conversion” means the ~~controlled~~
4 ~~combustion, when separated from other solid waste and used for~~
5 ~~producing electricity or heat, combustion used for producing heat~~
6 ~~or electricity, or the use of conversion technology, when separated~~
7 ~~from other solid waste, of the following materials:~~
8 (1) Agricultural crop residues.
9 (2) Bark, lawn, yard, and garden clippings.
10 (3) Leaves, silvicultural residue, and tree and brush pruning.
11 (4) Wood, wood chips, and wood waste.
12 (5) Nonrecyclable pulp or nonrecyclable paper materials.
13 (b) “Biomass conversion” does not include the controlled
14 combustion of recyclable pulp or recyclable paper materials, or
15 materials that contain sewage sludge, industrial sludge, medical
16 waste, hazardous waste, or either high-level or low-level
17 radioactive waste.
18 (c) (1) For purposes of this section, “nonrecyclable pulp or
19 nonrecyclable paper materials” means either of the following, as
20 determined by the ~~board~~ department:
21 ~~(1)~~
22 (A) Paper products or fibrous materials that cannot be
23 technically, feasibly, or legally recycled because of the manner in

1 which the product or material has been manufactured, treated,
2 coated, or constructed.

3 (2)

4 (B) Paper products or fibrous materials that have become soiled
5 or contaminated and as a result cannot be technically, feasibly, or
6 legally recycled.

7 (2) *For the purposes of this section, “conversion technology”*
8 *means a method capable of converting biomass into marketable*
9 *products and fuels through a noncombustion thermal, chemical,*
10 *or biological process.*

11 SECTION 1. ~~Section 25251 of the Health and Safety Code is~~
12 ~~amended to read:~~

13 ~~25251. For purposes of this article, the following definitions~~
14 ~~shall apply:~~

15 (a) ~~“Clearinghouse” means the Toxics Information~~
16 ~~Clearinghouse established pursuant to Section 25256.~~

17 (b) ~~“Council” means the California Environmental Policy~~
18 ~~Council established pursuant to subdivision (b) of Section 71017~~
19 ~~of the Public Resources Code.~~

20 (c) ~~“Office” means Office of Environmental Health Hazard~~
21 ~~Assessment.~~

22 (d) ~~“Panel” means the Green Ribbon Science Panel established~~
23 ~~pursuant to Section 25254.~~

24 (e) ~~“Consumer product” means a product or part of the product~~
25 ~~that is used, brought, or leased for use by a person for any purposes.~~
26 ~~“Consumer product” does not include any of the following:~~

27 (1) ~~A dangerous drug or dangerous device as defined in Section~~
28 ~~4022 of the Business of Professions Code.~~

29 (2) ~~Dental restorative materials as defined in subdivision (b) of~~
30 ~~Section 1648.20 of the Business and Professions Code.~~

31 (3) ~~A device as defined in Section 4023 of the Business of~~
32 ~~Professions Code.~~

33 (4) ~~A food as defined in subdivision (a) of Section 109935.~~

34 (5) ~~The packaging associated with any of the items specified in~~
35 ~~paragraph (1), (2), or (3).~~

36 (6) ~~A pesticide as defined in Section 12753 of the Food and~~
37 ~~Agricultural Code or the Federal Insecticide, Fungicide and~~
38 ~~Rodenticide (7 United States Code Sections 136 and following).~~

39 (7) ~~A motor vehicle, as defined in Section 415 of the Vehicle~~
40 ~~Code, with a gross vehicle weight rating of less than 14,000~~

- 1 pounds, as defined in subdivision (a) of Section 350 of the Vehicle
- 2 Code, and that motor vehicle's component or replacement parts.

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